

Immigration and Refugee Board

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Refugee Determination Process

Claimant's Guide

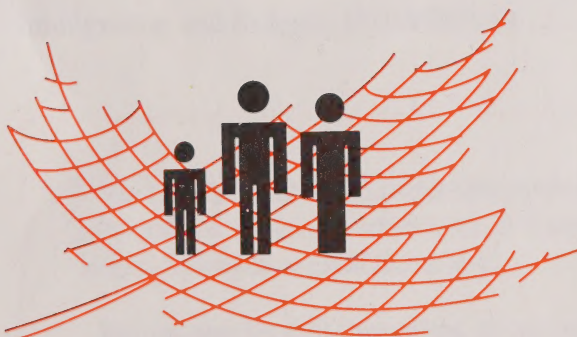




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This guide is intended to provide important instructions to refugee claimants in Canada. It is not, however, a legal document.

For precise legal information, please consult the *Immigration Act* and the *Convention Refugee Determination Division Rules*.

REFUGEE DETERMINATION IN CANADA

The Immigration and Refugee Board (IRB) is an administrative tribunal that operates independently of the Department of Citizenship and Immigration. The IRB is responsible for the fair and efficient determination of all claims to Convention refugee status made in Canada.

Refugee determination hearings take place before a two Member panel. Hearings are conducted as informally as possible, and in private unless an application for a public hearing is received and granted. A Refugee Hearing Officer helps the panel by ensuring that all relevant evidence is advanced at the hearing. In some cases, claims can be determined by a single Member without a hearing. Claimants being considered for this expedited process must first attend a preliminary conference with a Refugee Hearing Officer.

If your claim is accepted, you, your spouse and your dependent children can immediately apply for permanent resident status in Canada. Applications for permanent residence must be submitted to Citizenship and Immigration Canada.

If you are determined not to be a Convention refugee, you are entitled to apply for judicial review by a judge of the Federal Court Trial Division. However, you must first obtain permission from a Federal Court judge to initiate this review.

WHAT IS A CONVENTION REFUGEE?

The refugee determination process in Canada is the means through which people may seek protection according to the *1951 United Nations Convention relating to the Status of Refugees*.

“Convention refugees” are people who, because of a well-founded fear of persecution due to their race, religion, nationality, membership in a particular social group or political opinion, are unwilling or unable to return to their country of nationality or former habitual residence.

OFFICIAL LANGUAGES

English and French are the two official languages of Canada. Services provided by the IRB, including preliminary conferences and hearings, are available in either official language.

If you indicate on your *Personal Information Form* that you require the services of an interpreter for any proceedings before the IRB, an interpreter will be provided for you.

NOTIFICATION OF ADDRESS

It is important for the Immigration and Refugee Board (IRB) to know where you may be contacted in Canada so that you may receive documents about your claim.

You must provide your mailing address in Canada to the IRB within **10 days** after the date on which you were served with your *Personal Information Form (PIF)*.

You may have been served with your *Personal Information Form (PIF)* in one of two ways: You may have received it from a Senior Immigration Officer by hand, in which case you were served with the *PIF* that same day. Or, you may have received your *PIF* in the mail. A *PIF* delivered by mail is considered to be served 7 days after the mailing date.

For your convenience, you have been provided with copies of a form entitled *Notification of Address or Change of Address*.

It is important that you type or print all information clearly and complete the form in full. You must include the "Client I.D. Number" issued to you by the Senior Immigration Officer. Your "Client I.D. Number" can be found at the top of either the first page of the *Personal Information Form* or of the *Notice to Appear*. Please also ensure that the spelling of your name on the *Notification of Address or Change of Address* form is the same as the spelling on the *Notice to Appear*.

If you live in an apartment, you must include the apartment number in the address section. The IRB may wish to contact you by telephone, so be sure to include your telephone number on the form. Please also remember to immediately notify the IRB office responsible for your file whenever you change your address.

NOTIFICATION OF COUNSEL

You have, at your own expense, the right to be represented by legal counsel. If you choose to be represented by counsel, you should take immediate steps to retain and instruct your counsel, so that you are both ready and able to proceed with your claim on the date scheduled.

If you do not have enough money to pay for counsel, Legal Aid may provide a lawyer to represent you. Please see the section entitled *Legal Aid Information* on page 9 of this guide.

It is important that you immediately notify the Immigration and Refugee Board (IRB) of your counsel's name, address and telephone number.

For your convenience, you have been provided with a form entitled *Notification of Counsel or Change of Counsel*.

It is important that you type or print all information clearly and complete the form in full. You must include the "Client I.D. Number" issued to you by the Senior Immigration Officer. Your "Client I.D. Number" can be found at the top of either the first page of the *Personal Information Form* or of the *Notice to Appear*. Please also ensure that the spelling of your name on the *Notification of Counsel or Change of Counsel* form is the same as the spelling on the *Notice to Appear*.

If you change your counsel, you must immediately notify the IRB office responsible for your file.

PERSONAL INFORMATION FORM (PIF)

The purpose of the *Personal Information Form* is to inform the Immigration and Refugee Board (IRB) about your claim to Convention refugee status.

The *Personal Information Form* may be entered as evidence at your hearing. Therefore, every care should be taken when completing it.

Things that you must do

1. Provide complete and thorough answers to all the questions on the *Personal Information Form*. If there is not enough space provided to answer questions fully, you may add more pages. If a question does not apply to you, mark "N/A" (not applicable) in that space.
2. TYPE or PRINT all information clearly.
3. Complete the document in either English or French.
4. Ensure that the spelling of your name on the *Personal Information Form* is the same as the spelling on the *Notice to Appear*.
5. Ensure that your "Client I.D. Number", issued to you by the Senior Immigration Officer, appears in the box at the top of the first page of the *Personal Information Form*.
6. Sign and date the *Claimant Declarations* section on the last page of the *Personal Information Form*.

7. If you use the services of an interpreter to translate the contents of the *Personal Information Form*, please make sure that the interpreter signs and dates the *Interpreter Declaration* on the last page of the form.
8. If you do not require interpreter assistance, make sure that the *Claimant Declarations* section is fully completed.
9. When you have completed the *Personal Information Form*, you will require four additional copies. The original and two copies must be submitted in person or by mail to the Immigration and Refugee Board (IRB) office indicated at the bottom of your *Notice to Appear*. The other two copies are for yourself and for your counsel.

You must file the original and two copies of the *Personal Information Form* with the Immigration and Refugee Board (IRB) within 28 days after the date on which you were served with it.

You may have been served with your *Personal Information Form (PIF)* in one of two ways: You may have received it from a Senior Immigration Officer by hand, in which case you were served with the *PIF* that same day. Or, you may have received your *PIF* in the mail. A *PIF* delivered by mail is considered to be served 7 days after the mailing date.

If you mail your completed *Personal Information Form* to the IRB, the envelope must be postmarked on or before the 28th day.

If your *Personal Information Form* is not received within 28 days, the Immigration and Refugee Board (IRB) may, after giving you a reasonable opportunity to be heard, declare your claim to be abandoned.

APPLICATION FOR CHANGE OF VENUE

If you intend to move and wish to have your preliminary conference or hearing of your refugee claim held in another city in Canada, you must complete an *Application for Change of Venue* form and submit it to the IRB office where your file is currently located.

DO NOT send the application to the IRB office where you want your file transferred.

For your convenience, you have been provided with copies of the *Application for Change of Venue* form.

It is important that you type or print all information clearly and complete the form in full. You must include the "Client I.D. Number" issued to you by the Senior Immigration Officer. Your "Client I.D. Number" can be found at the top of either the first page of the *Personal Information Form* or of the *Notice to Appear*.

Please ensure that the spelling of your name on the *Application for Change of Venue* form is the same as the spelling on the *Notice to Appear*. Also ensure that your current address, and the name and address of your counsel, are listed in the appropriate sections on the application.

The IRB's decision with respect to change of venue will be based on a review of the reasons you give on this application. You will be notified once a decision is made. Not all applications for change of venue are granted. You may wish, therefore, to wait for the IRB's decision before moving to another city.

LEGAL AID INFORMATION

If you do not have enough money to pay for legal counsel, Legal Aid may provide a lawyer to represent you.

When applying for Legal Aid, you will be asked to provide a copy of your *Notice to Appear* and proof of your financial situation.

If necessary, it is a good idea to bring someone who can interpret for you to the Legal Aid Office.

Some of the Legal Aid Offices in Canada are listed below. For a complete listing of the Legal Aid Offices in your area, please refer to your local telephone directory.

ALBERTA

Calgary Legal Aid Office
900, 815 - 8 Avenue S.W.
Calgary, Alberta
T2P 3P2
(403) 297-2260

Edmonton Legal Aid Office
10320 - 102 Avenue
300 Revillon Building
Edmonton, Alberta
T5J 4A1
(403) 427-7575

Lethbridge Legal Aid Office
1102, 400 - 5 Street South
Lethbridge, Alberta
T1J 4E1
(403) 381-5517

BRITISH COLUMBIA

Vancouver Legal Services
2nd Floor
191 Alexander Street
Vancouver, British Columbia
V6A 1N3
(604) 687-1831

MANITOBA

Winnipeg Legal Aid Office
635 Broadway Avenue
Winnipeg, Manitoba
R3C 0X1
(204) 786-2870

NEW BRUNSWICK

Legal Aid Certificates are not issued to refugee claimants in the province of New Brunswick.

NEWFOUNDLAND

Newfoundland Legal Aid
Commission
21 Church Hill
St. John's, Newfoundland
A1C 3Z8
(709) 753-7860

NOVA SCOTIA

Legal Aid Certificates are not issued to refugee claimants in the province of Nova Scotia.

PRINCE EDWARD ISLAND

Legal Aid Certificates are not issued to refugee claimants in the province of Prince Edward Island.

ONTARIO

Toronto Legal Aid Office
375 University Avenue
Toronto, Ontario
M5G 2J5
(416) 598-0200

Ottawa Legal Aid Office
167 Lisgar Street
Ottawa, Ontario
K2P 0C3
(613) 238-7931

QUEBEC

Hull Legal Aid Office
768 St-Joseph Boulevard
Hull, Quebec
J8Y 4B8
(819) 772-3011

Montreal Legal Aid Office
1265 Berri Street
Room 430
Montreal, Quebec
H2L 4X4
(514) 849-3671

SASKATCHEWAN

Regina Legal Aid Office
1942 Hamilton Street
2nd Floor
Regina, Saskatchewan
S4P 2C5
(306) 787-8760

Saskatoon Legal Aid Office
820, 410 - 22 Street East
Saskatoon, Saskatchewan
S7K 2H6
(306) 933-5300

COMMUNITY SERVICE ORGANIZATIONS

The following organizations provide a wide range of services designed to meet the needs of newly arrived refugee claimants. Their services may include interpretation/translation, information and referral, advice, support and counselling.

ALBERTA

Calgary

Calgary Catholic Immigration
Society
Suite 400
1400 - 1st Street S.W.
Calgary, Alberta
T2R 0V8
(403) 262-2006

Calgary Immigrant Aid Society
825 - 8th Avenue S.W.
9th Floor
Calgary, Alberta
T2P 2T3
(403) 265-1120

Calgary Mennonite Centre
for Newcomers
200, 3517 - 17th Avenue S.E.
Calgary, Alberta
T2A 0R5
(403) 569-0409

Jewish Family Service
4014 MacLeod Trail South
Room 200
Calgary, Alberta
T2G 2R7
(403) 287-3510

Edmonton

Catholic Social Services
Immigration & Settlement Services
10709 - 105th Street
Edmonton, Alberta
T5H 2X3
(403) 424-3545

Jewish Family Services
606 MacLeod Building
10136 - 100 Street
Edmonton, Alberta
T5J 0P1
(403) 424-6346

Edmonton

Mennonite Centre for Newcomers
 10125 - 107th Avenue
 Edmonton, Alberta
 T5H 0V4
 (403) 424-7709

Lethbridge

Lethbridge Immigrant
 Settlement Association
 Suite 202
 506 - 4th Avenue S.
 Lethbridge, Alberta
 T1J 0N3
 (403) 327-5333

BRITISH COLUMBIA**Vancouver**

Immigrant Services Society of
 British Columbia
 501 - 333 Terminal Avenue
 Vancouver, British Columbia
 V6A 2L7
 (604) 684-2561

Inland Refugee Society
 Suite 100
 1720 Grant Street
 Vancouver, British Columbia
 V5L 2Y7
 (604) 251-3360

MOSAIC
 1720 Grant Street
 2nd Floor
 Vancouver, British Columbia
 V5L 2Y7
 (604) 254-9626

OASIS
 8165 Main Street
 Vancouver, British Columbia
 V5X 3L2
 (604) 324-8186

MANITOBA**Winnipeg**

International Centre
 406 Edmonton Street
 2nd Floor
 Winnipeg, Manitoba
 R3B 2M2
 (204) 943-9158

NEW BRUNSWICK

Saint John

Canadian Red Cross Society
405 University Avenue
P.O. Box 39
Saint John, New Brunswick
E2L 3X3
(506) 648-5000 or (506) 648-5019

NEWFOUNDLAND

St. John's

Association for New Canadians
144 Military Road
P.O. Box 2031, Station "C"
St. John's, Newfoundland
A1C 5R6
(709) 722-9680

Canadian Red Cross Society
7 Wicklow Street
St. John's, Newfoundland
A1B 3Z9
(709) 754-0461

NOVA SCOTIA

Halifax

Metropolitan Immigrant
Settlement Association
1541 Barrington Street
Suite 101
Halifax, Nova Scotia
B3J 1Z5
(902) 423-3607

ONTARIO

Ottawa

Ottawa-Carleton Immigrant
Services Organization
18 Louisa Street
3rd Floor
Ottawa, Ontario
K1R 6Y6
(613) 238-4256

Catholic Immigration Centre
219 Argyle Avenue
Ottawa, Ontario
K2P 2H4
(613) 232-9634

Ottawa

Jewish Family Services Agency
of Ottawa-Carleton
151 Chapel Street
Ottawa, Ontario
K1N 7Y2
(613) 235-0000 or
(613) 789-1800

Immigrant and Visible Minority
Women Against Abuse
(613) 729-3145

Toronto

Lighthouse
1008 Bathurst Street
Toronto, Ontario
M5R 3G7
(416) 535-6262

Mennonite New Life Centre
of Toronto
2085 Danforth Avenue
Suite 201
Toronto, Ontario
M4C 1K1
(416) 699-4527

Quaker Committee for Refugees
52 Elgin Avenue
Toronto, Ontario
M5R 1G6
(416) 922-4493 or
(416) 964-9669

Refugee Information Centre
517 Parliament Street
Suite 200
Toronto, Ontario
M4X 1P3
(416) 966-2233

Woodgreen Community Centre
of Toronto
703 Queen Street East
Toronto, Ontario
M4M 1G6
(416) 469-5211

PRINCE EDWARD ISLAND

Charlottetown

Cross Cultural Information Committee
P.O. Box 2846
Charlottetown, Prince Edward Island
C1A 8C4
(902) 628-6009

Prince Edward Island Multicultural
Council
228 Grafton Street
Charlottetown, Prince Edward Island
C1A 1L4
(902) 368-8393

QUEBEC

Hull

Accueil - Parrainage Outaouais
122 Berri Street
2nd Floor
Hull, Québec
J8Y 4H8
(819) 777-2960

Montreal

Service d'aide aux réfugiés et
aux immigrants du Montréal
métropolitain (SARIMM)
1001 de Maisonneuve Boulevard East
Montreal, Quebec
H2L 4R5
(514) 527-7261

Social Centre
for Immigrants
4285 de Maisonneuve
Boulevard West
Montreal, Quebec
H3Z 1K7
(514) 932-2953

Service d'aide et de liaison pour
immigrants La Maisonnée
6865 Christophe-Colomb Avenue
Montreal, Quebec
H2S 2H3
(514) 271-3533

Montreal House of Friendship
120 Duluth Avenue East
Montreal, Quebec
H2W 1H1
(514) 843-5836 or
(514) 843-4356

SASKATCHEWAN

Regina

Regina Open Door Society Inc.
400, 1836 Broad Street
Regina, Saskatchewan
S4P 1X6
(306) 352-3500

Saskatoon

Saskatoon Open Door Society
311- 4th Avenue North
Saskatoon, Saskatchewan
S7K 2L8
(306) 653-4464

IMMIGRATION AND REFUGEE BOARD OFFICES

OFFICE

AREA OF RESPONSIBILITY

MONTREAL

200 Rene Levesque Boulevard West
East Tower, Room 102
Montreal, Quebec
H2Z 1X4 (514) 283-7733

QUEBEC

TORONTO FRONT

1 Front Street West
5th Floor
Toronto, Ontario
M5J 1A5 (416) 973-6035

ONTARIO REGION

TORONTO UNIVERSITY

70 University Avenue
7th Floor
Toronto, Ontario
M5J 2M5 (416) 954-1000

ONTARIO REGION & THUNDER BAY

CALGARY

The Fording Place
205-9th Ave. S.E., 9th Floor
Calgary, Alberta
T2G 0R3 (403) 292-6134

MANITOBA, SASKATCHEWAN, ALBERTA & NORTH WEST TERRITORIES

VANCOUVER

800 Burrard Street, Suite 1590
Vancouver, B.C.
V6Z 2J9 (604) 666-3818

BRITISH COLUMBIA & YUKON

OTTAWA

255 Albert Street
10th Floor
Ottawa, Ontario
K1P 6A9 (613) 943-8630

OTTAWA (ONTARIO), HULL (QUEBEC), NEW BRUNSWICK, NOVA SCOTIA, PRINCE EDWARD ISLAND, NEWFOUNDLAND

ISBN - 0 - 662 - 21519 - 2

Catalogue Number MQ21 - 19/1994 E